

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

United States of America,)
) **ORDER**
Plaintiff,)
)
vs.)
)
Donald Heck,) Case No. 4:08-mj-003
)
Defendant.)

On January 15, 2008, Defendant made his initial appearance on a complaint filed in the above-entitled action. Attorney Paul Emerson appeared on the Government's behalf. Assistant Federal Public Defender Orell Schmitz was appointed as defense counsel and appeared on Defendant's behalf.

The court advised Defendant of his right to a preliminary hearing. Defendant waived his right to such a hearing in open court, however.

The court finds that Defendant, having had an opportunity to consult with counsel, freely and voluntarily, and knowingly and intelligently waived his right to a preliminary hearing. Further, based upon Defendant's waiver, the court finds that there is probable cause to believe that Defendant may have committed the offenses alleged in the complaint. Accordingly, the court **ORDERS** that Defendant be bound over to the United States District Court to answer to the charges set forth in the complaint.

Dated this 15th day of January, 2008.

/s/ Charles S. Miller, Jr.

Charles S. Miller, Jr., Magistrate Judge
United States District Court